

CIVILIAN POLICE OVERSIGHT ADVISORY BOARD (CPOAB)

BOARD AGENDA

Thursday, July 10, 2025 at 5:00 PM

Vincent E. Griego Chambers

Zander Bolyanatz, Board Chair

Aaron Calderon, Board Vice-Chair

Eduardo Budanauro, Board Member

Rowan Wymark, Board Member

Diane McDermott, Executive Director, CPOA

Ali Abbasi, Deputy Director, CPOA

Viewing: Members of the public can view the meeting through GOVTV on Comcast Channel 16, stream live on the GOVTV website at <https://www.cabq.gov/culturalservices/govtv>, or watch it on YouTube at <https://www.cabq.gov/cpoa/events/civilian-police-oversight-advisory-board-meeting-07-10-2025>. The GOVTV live stream can be accessed from most smartphones, tablets, or computers at these addresses.

Public Comment: The CPOAB will accept general public comment on the meeting's specific agenda items in person and written form via email until 3:00 p.m. on the day of the meeting. Submissions for public comment can be emailed directly to the CPOAB at oab@cabq.gov.

- I. Welcome, Call to Order and Roll Call – Zander Bolyanatz, Chair**
- II. Pledge of Allegiance**
- III. Approval of the Agenda**
- IV. Review and Approval of Minutes**
 - a. June 12, 2025
- V. Public Comment** [Public comment is limited to three minutes unless extended by the Chairperson]
- VI. Reports from City Departments:**
 - a. **APD**
 - 1. **Use of Cell-Site Simulator Technology – Deputy Chief George Vega**
 - 2. **Internal Affairs Professional Standards (IAPS)– Commander Ryan Nelson**
 - 3. **Internal Affairs Force Division (IAFD)– Commander Scott Norris**
 - b. **ACS- Jefferey Bustamante, Deputy Director**
 - c. **City Attorney- Lindsey Rosebrough, Managing Attorney**
 - d. **City Council- Chris Sylvan, Council Services**
 - e. **Community Policing Council (CPC)- Kelly Mensah, Community Engagement Manager**
 - f. **Mayor's Office- Doug Small, Director of Public Affairs**
 - g. **CPOA– Diane McDermott, Executive Director**
 - 1. **CPC 010-25 Non-Concurrence Memo**

- VII. Serious Use of Force Case:**
- a. APD Case #24-0039795 – Rowan Wymark
 - b. APD Case #24-0058826 – Zander Bolyanatz
- VIII. Officer-Involved Shooting Case:**
- a. APD Case #24-0009062 – Eduardo Budanauro
 - b. APD Case #24-0029624 – Aaron Calderon
- IX. Appeal**
- a. **CPC 172-24**
 - i. Hearing on CPC #172-24
 - ii. CLOSED SESSION pursuant to Section 10-15-1(H)(3) NMSA 1978, excluding deliberations by the CPOAB in connection with an administrative adjudicatory proceeding from the requirements of the NM Open Meetings Act.
- X. Report from CPOAB Subcommittees:**
- a. **Policy and Procedure Review Subcommittee – Aaron Calderon**
 - 1. Meeting was held on July 3, 2025, at 3 p.m.
 - 2. Report from Subcommittee
 - 3. Next meeting August 7, 2025, at 3 p.m.
- XI. Discussion and Possible Action:**
- a. **APD Policy**
 - 1. **No Recommendation(s):**
 - A. SOP 1-26 (Formerly 5-4) Special Victims Section
 - B. SOP 1-53 (Formerly 5-3) Homicide Unit
 - C. SOP 1-59 (Formerly 4-1 and 4-4) Impact Teams
 - D. SOP 2-10 (Formerly 1-07 and 1-7) Use of Emergency Communications
 - E. SOP 2-64 Violence Intervention Program (VIP) Custom Notification Deliveries
 - F. SOP 2-66 (Formerly 2-25) Victim and Witness Assistance
 - G. SOP 2-94 Drone as a First Responder (DFR) Program
 - H. SOP 3-21 (Formerly 3-15 and 3-72) Scheduled and Unscheduled Leave
 - I. SOP 3-23 (Formerly 3-61) Retirement Observance
 - 2. **APD Response to Policy Recommendation(s):** [Standing item]
 - b. **2025 OMA Resolution – CPOA/CPOAB Legal Counsel Robert Kidd**
- XII. Other Business**
- XIII. Adjournment-** *The next regularly scheduled Board meeting will be held on Thursday, August 14, 2025.*

ATTENTION: Unless the board decides otherwise, a dinner break will occur at a natural breaking point during the meeting.

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT ADVISORY BOARD

Zander Bolyanatz, Board Chair
Aaron Calderon, Board Vice-Chair
Eduardo Budanauro, Board Member
Rowan Wymark, Board, Member
Diane McDermott, Executive Director, CPOA

July 22, 2024

Via Email

1

Re: Notice of Appeal Decision for CPC #172-24

PO Box 1293 **APPEAL FINDINGS:**

Albuquerque Ms. [REDACTED], an appeal hearing was scheduled for July 10, 2025, at 5 p.m., in response to your appeal request by email submitted on June 2, 2025. To ensure thorough preparation for the hearing, you were notified on June 4, 2025 that your hearing was scheduled for the July 10, 2025 board meeting.

NM 87103 We appreciate your commitment to civic engagement and your efforts in bringing your concerns to the attention of the Civilian Police Oversight Agency (CPOA) and the Civilian Police Oversight Advisory Board (CPOAB). The input we receive through investigations and appeals from Albuquerque residents and visitors plays a critical role in informing potential policy recommendations to the Chief of Police, the Mayor's Office, and City Council, when appropriate.
www.cabq.gov

As outlined in the documentation accompanying your original findings, any reconsideration of the Executive Director's decision requires meeting at least one of three specific criteria. As your appeal did not include any new or qualifying information, we are unable to issue any modification of the findings.

Therefore, we uphold, confirm, and stand by the findings of the CPOA Executive Director.

Thank you for taking the time to attend our board meeting and present your appeal.

MATERIALS REVIEWED BY THE BOARD:

Video(s): Yes

APD Report(s): No

CAD Report(s): Yes

Complainant Appeared: Yes

Witness(es) Appeared: No

APD Employee Appeared: Yes

APD Employee Involved: Deputy Chief B

Date Hearing Completed: July 10, 2024

APPEAL FINDINGS

Policy Upheld: 1.1.2.C.2 (Misconduct)

1. **Unfounded.** Investigation classification when the investigator(s) determines, by clear and convincing evidence, that alleged misconduct did not occur or did not involve the subject officer.



2. **Sustained.** Investigation classification when the investigator(s) determines, by a preponderance of the evidence, the alleged misconduct did occur by the subject officer.



3. **Not Sustained.** Investigation classification when the investigator(s) is unable to determine one way or the other, by a preponderance of the evidence, whether the alleged misconduct either occurred or did not occur.



4. **Exonerated.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, that alleged conduct in the underlying complaint did occur but did not violate APD policies, procedures, or training.



5. **Sustained Violation Not Based on Original Complaint.** Investigation classification where the investigator(s) determines, by a preponderance of the evidence, misconduct did occur that was not alleged in the original complaint (whether CPC or internal complaint) but that other misconduct was discovered during the investigation, and by a preponderance of the evidence, that misconduct did occur.



6. **Administratively Closed.** Investigation classification where the investigator determines: The policy violations of a minor nature and do not constitute a pattern of misconduct (i.e. a violation subject to a class 7 sanction, -the allegations are duplicative; -the allegations, even if true, do not constitute misconduct; or -the investigation cannot be conducted because of the lack of information in the complaint, and further investigation would be futile.



Additional Comments:

We uphold, confirm, and stand by the findings of the CPOA Executive Director.

Thank you for taking the time to attend our board meeting and present your appeal.

You have exercised your right to appeal this decision as specified in the Oversight Ordinance 9-4-1-10. As was explained in the hearing proceedings in order for the Advisory Board to modify the Director's findings your appeal must demonstrate one or more of the following:

- 1) A policy was misapplied in the evaluation of the complaint;
- 2) That the findings or recommendations were arbitrary, capricious or constituted an abuse of discretion; or
- 3) that the findings and recommendations were not consistent with the record evidence.

The Advisory Board has considered the statements provided by you, the complainant, any witnesses you may have provided, any evidence if deemed admissible, the Agency's position, the Albuquerque Police Department's position and the officer's position if the officer chose to appear.

The Advisory Board may only modify or change the findings and/or recommendations and make further recommendations if one of the above listed conditions was met. The details of the findings are on the second page of this communication.

Thank you for participating in the process of the Civilian Oversight of the Police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,
The Civilian Police Oversight Advisory Board by

A handwritten signature in blue ink, appearing to read 'Zander Bolyanatz', with a long horizontal flourish extending to the right.

Zander Bolyanatz, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency
Office of Police Reform